

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 1, 2000
Tuesday, 9:00 A.M.

The City Council met in regular session with Vice Mayor Lambke in the Chair. Council Members Cole, Gale, Martz, Pisciotte; present. Council Member Rogers, Mayor Knight; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Robert Bull, Riverside Christian Church gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of July 18, 2000, were approved 5 to 0. (Rogers; Knight, absent).

AWARDS AND PRESENTATIONS:

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

PROCLAMATIONS

Proclamations previously approved were presented.

PUBLIC AGENDA

William E. Wasyk, Commander of Military of The Purple Heart - Dedication of Road, Sidewalk, Bridge, or Walking Path.

Comment: 1.2 Public
Letters/Comments

William E. Wasyk

William E. Wasyk requested dedication of City property (road, sidewalk, bridge, lake, walking path) in honor of the Military Order of the Purple Heart.

The Item was referred to the City Manager to determine appropriateness.

Robert Schumacher – R & R Enterprises – Door to Door Advertising.

Robert Schumacher

Robert Schumacher said his business is required to pay for licenses and permits to cut and/or haul trees while other people do the same service without licenses or permits. There seems to be no enforcement of the law.

Mr. Schumacher asked that the Ordinance be repealed or that there be equal enforcement.

Council Member Cole

Council Member Cole requested a report on the situation (number of people going through the license process and number of violators, if the information requested can be ascertained).

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 197

UNFINISHED BUSINESS

DELAY OF S.A.

AGRICULTURAL DELAY OF SPECIAL ASSESSMENT PAYMENTS FOR WATER DISTRIBUTION SYSTEM. (District III)

Comment: SA Area

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0718.

On October 12, 1999, the Council considered a petition seeking water distribution system improvements for an area located outside the city limits between 57th Street to 63rd Street South and west of the Riverside Drainage Ditch. The petition called for apportioning the costs of these improvements on a square foot basis. The Council approved the petition but modified the method of assessment to provide for apportioning the costs on a modified fractional basis.

On April 4, 2000, the Council reviewed the apportioning of the costs on a modified fractional basis which would result in a spread of assessments which does not appropriately allocate the costs of the project in a manner consistent with the benefits each parcel of land receives. The amendment apportions costs on a square foot basis, consistent with the petition. The Council adopted the amended Resolution No. R-99-384 to reflect the reduction in the share of the costs of the project to be paid by the improvement district and to change the method of assessing the cost of the project improvements to a square foot basis.

Mr. Nicholson requested exemption based on the agricultural use of the property.

The City Council may authorize and provide for delay or an abatement of payment of special assessments for the cost of constructing public improvements subject to conditions and in the manner provided by Charter Ordinance. No. 139 adopted October 22, 1991.

Delay in commencement of payment of some or all assessments for a period not to exceed 15 years or until property is platted or developed.

Undeveloped areas shall mean areas which are in excess of 2 1/2 acres; have not been platted; are primarily used for agricultural purposes; have a population density of less than one family per acre; and are not served by such public improvement.

An additional extension of 10 years may be granted at the conclusion of the 15 years if such property has not developed 50% of its area.

All delayed assessments shall be due and payable at such time property is platted or developed or upon expiration of the 15 year designated period or any extension of such period.

The estimated project cost is \$1,660,000. Mr. Nicholson's estimated portion that would be on delayed payments is \$66,120.

Delayed assessments shall not be certified to the county clerk upon the adoption of the ordinance levying the assessments. A notice stating that specials have been delayed shall be filed with the Register of Deeds identifying the property and improvement for which assessments were levied.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Lambke moved that the application requesting agricultural delay of special assessment payments be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 198

ZON2000-00010

ZON2000-00010 – ZONE CHANGE FROM “SF-6” SINGLE-FAMILY RESIDENTIAL TO “LI” LIMITED INDUSTRIAL DISTRICT, LOCATED ON THE CORNER OF HARRY STREET AND SEVILLE.
(District V)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0719.

MAPC Recommendation: Approve “IP” Industrial Park, subject to platting within 1 year (9-0)

Staff Recommendation: Approve “IP” Industrial Park, subject to platting within 1 year.

The applicant, Harper's, Inc., is requesting approval of “LI” Limited Industrial zoning on 10 acres of unplatted property currently zoned “SF-6” Single-Family Residential. The application area is a trapezoid shaped parcel and is located at the corner of Harry and Seville Streets. Seville Street is located on the west, Harry Street is located to the south and the AT&SF Railroad is located on the northern edge of the property. Starting in 1948, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in 1996 and was subsequently purchased by Allen's Concrete, Inc. (parcel owner). Access to the site is currently from one entrance on the west via Seville Street (unpaved) and one on the south from Harry Street (unpaved). The applicant would like two additional entrances, or a total of three, along Harry Street.

The applicant has submitted a site plan for review. There are plans to plat the property into two parcels. The largest parcel (7.1 acres) will be primarily for a freight business and a smaller “out parcel” (2.9 acres) is planned for the eastern area. There are plans to remodel an existing concrete structure located in the northwest corner of the larger parcel. Truck parking is planned for the center of the property; personal storage units are planned along the northern edge and bulk storage in the eastern part of the largest parcel. There are no identified uses for the smaller parcel at this time. The smaller parcel may be sold at a later time.

The majority of the 10-acre site consists of concrete slab paving. Per the zoning code, a screening fence, landscaping or berming will be required along the east property line, which is adjacent to “SF-6” zoned land. Mechanical equipment and outdoor work and storage areas must also be screened on all non-residential developments, except those located along local or collector streets founded on both sides by “OW,” “IP,” “LI,” or “GI” zoning. Screening to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, outdoor storage, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses (see UZC pages 159-160 for compatibility standards). The applicant will need to submit a Landscaping Plan for review which is consistent with the Landscaping Code – landscaped street yards and buffer landscaping by the property line plus parking with screening of any parking along Harry and Seville, and buffer landscaping along the east property line.

There are three businesses on the properties north of the application area and they are zoned “GC” General Commercial. The golf course south of the application area is zoned “SF-6” Single-Family Residential, the property east is a single family residence and zoned “SF-6,” and the property to the west is also “SF-6” and developed as a park.

The MAPC considered this request on two occasions. At its first meeting, the MAPC recommended approval of LI” Limited Industrial zoning. Due to neighborhood concerns, the case was returned to the MAPC by the City Council. In the interim, the applicant agreed to request “IP” Industrial Park zoning instead of “LI” Limited Industrial. The MAPC subsequently approved, unanimously, the request for “IP” Industrial Park zoning.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommendations; and the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00010

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 199

NEW BUSINESS

BUDGET

2001 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2000 BUDGET.

Comment: 3.2 Budget

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-0765.

The City Council has received the City Manager's Proposed 2000/2001 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings and will consider the budget at an upcoming retreat.

The proposed 2001 annual operating budget is \$309,960,840. Interfund transactions and appropriated fund balances increase this amount to \$376,157,085. The inclusion of expendable trust funds, as required by law, is an additional \$75,825,204 for a total of \$452,235,849. The estimated mill levy for this budget would be 31.406 mills, no change from the levy for the current 2000 adopted budget.

The General Fund property tax levy is \$44,320,250 (including a delinquency allowance) at an estimated 21.355 mills. The levy for the Debt Service Fund is \$19,866,560 (including a delinquency allowance) and is estimated at 10.051 mills.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 15. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2001 Budget, it is requested that action be taken to amend the 2000 adopted budget – as contained in the proposed budget submitted to the City Council:

1. The Debt Service Fund (DSF) is increased \$14,897,679. Temporary note financing was increased to provide expenditure authority for several capital projects included in the adopted Capital Improvement Program (CIP) but not yet incorporated in the DSF. Additionally, an extraordinary effort was made to move project accounts to closure and initiate long-term GO financing.
2. The Landfill Fund is being amended \$3,254,430, allowing \$3,500,000 for a construction and debris (C&D) landfill option.
3. The Gilbert and Mosley Tax Increment Financing (TIF) Fund is increased \$582,720 to offset legal expenses made necessary by the prolonged process to obligate potentially responsible parties.
4. The Economic Development TIF Funds must be certified at this time as special revenue funds. The three ED TIFs are: Old Town, East Bank, and 21st and Grove. Previously, these were fiduciary funds that did not require certification; however, it is believed these funds would probably be better designated as special revenue funds. The combined total of the three funds is increased \$8,630.
5. The Sewer Utility Fund is amended by \$300,890 in order to pay increased principal and interest expenses stemming from a refunding issue consummated in 1999. The refunding issue had not been completed in time for the new debt service figures to be included in the 2000 Adopted Budget.
6. The Storm Water Utility Fund requires an increased expenditure authority of \$5,413,880 to provide cash financing for capital projects that had not been initiated when this budget was originally adopted. A contingency amount has also been provided for any subsequent projects identified this year.
7. The Telecommunications Fund is amended \$223,590. Late billings in 1999 caused some expenses to be rolled into the current year budget. The savings in 1999 will offset the extraordinary costs in 2000. Also, costs have increased due to plexar service lines being added; however, these costs are offset through increased revenues to the Fund. In 2001, this fund is consolidated with the Data Center Fund to create a new Information Technology Fund. Were this consolidation made immediately effective, reduced expenditures in the Data Center Fund would have more than offset the necessary Telecom increases and a recertification would not have been required.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2001 Budget must be adopted by the City Council on August 15, and will be filed with the County Clerk by the statutory date of August 25.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 200

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard.

Dr. Beggs Dr. Beggs, Wichita State University, thanked the City of Wichita for continued support of Wichita State University.

Motion -- Pisciotte moved that the public hearing on the proposed 2001 Budget (including the TIF Districts) and the revised 2000 Budget be set for August 15, 2000; the notices be approved; and the budget and TIF district ordinances be placed on first reading. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2001, and ending December 31, 2001, and relating thereto, and concurrently approving certain amendments to the 1999 adopted budget, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site redevelopment district, City of Wichita, Kansas, for the fiscal year beginning January 1, 2001, and ending December 21, 2001, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor redevelopment district, City of Wichita, Kansas for the fiscal year beginning January 1, 2001, and ending December 31, 2001, introduced and under the rules laid over.

PAVING ALLEY

PETITION TO PAVE THE NORTH-SOUTH ALLEY BOUNDED BY MEAD, MOSLEY, 10TH, AND 11TH STREETS. (District VI)

Comment: SA Area

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 00-0720.

The signatures on the Petition represent two non-resident owners of 51.5% of the improvement district area. On July 10, 2000 and July 19, 2000, meetings of District Six Advisory Board were held to discuss the Petition. The District Advisory Board voted in favor of the Petition to pave the entire alley.

The alley is an unimproved sand road that provides access to an industrial area.

The project budget contained in the Petition is \$75,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.45 per square foot of ownership.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

RESOLUTION NO. R-00-291

Resolution of findings of advisability and Resolution authorizing improving of the north-south alley bounded by Mead, Mosley, 10th and 11th Streets, 472-83254, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 201

KDOT

Marvin Krout

PROJECT FUNDING REQUESTS TO KANSAS DEPARTMENT OF TRANSPORTATION (KDOT).

Comment: 2.1 KDOT

Director of Planning reviewed the Item

Agenda Report No. 00-0721.

MAPC Recommendation: Authorize submittal of projects requests

As a continuation of their local partnership program, the Kansas Department of Transportation (KDOT) is requesting project submittal for the KLINK Resurfacing, Geometric Improvement, and Economic Development projects. The KLINK project requests are for fiscal year 2003 (July 1, 2002 through June 30, 2003) and the Geometric and Economic Development projects are for fiscal year 2004 (July 1, 2003 through June 30, 2004).

The KLINK, Geometric, and Economic Development projects were developed by the Public Works Department, Finance Department's Economic Development, and the Planning Department. Staff recommends the follow projects:

KLINK Resurfacing

Costs

- | | |
|--|-----------|
| 1) Repair and resurface U.S. 54/400 from 7119th Street West to ½ mile east of 119th Street West, and Repair deteriorated concrete joint and slab areas on US 81 (47th Street South) between Broadway and I-135 | \$401,580 |
|--|-----------|

Geometric Improvements

Costs

- | | |
|---|-------------|
| 1) Reconstruct and widen the intersection of K-42 and Hoover Road | \$1,057,000 |
|---|-------------|

Economic Development

Costs

- | | |
|--|-------------|
| 1) Reconstruct and widen Hoover Road from the Cessna Wallace Plant entrance to 31st Street South | \$3,381,000 |
| 2) Reconstruct and widen Tyler Road from Harry to Pawnee | \$4,598,750 |

KDOT will Participate in the cost of the approved projects as follows:

KLINK Resurfacing

KDOT %

KDOT Share

City Share

- | | | | |
|---|-----|-----------|-----------|
| 1) Repair and resurface U.S. 54/400 from 119th Street West to ½ mile east of 119th Street West, and Repair deteriorated concrete joint and slab areas on US 81 (47th Street South) between Broadway and I-135 | 50% | \$200,000 | \$201,580 |
|---|-----|-----------|-----------|

The City share for this program comes out of street maintenance funds in the operating budget.

KDOT %

KDOT Share

City Share

Geometric Improvements

- | | | | |
|---|-----|-----------|-----------|
| 1) Reconstruct and widen the intersection of K-42 and Hoover Road | 75% | \$792,750 | \$264,250 |
|---|-----|-----------|-----------|

If this project is awarded by KDOT, some reprioritization of funds may be necessary to make the match. The City Share for this program would need to be programmed in the City's Capital Improvement Program in 2004.

Economic Development

KDOT %

KDOT Share

City Share

- | | | | |
|--|-----|-------------|-------------|
| 1) Reconstruct and widen Hoover Road from the Cessna Wallace Plant entrance to 31st Street South | 75% | \$2,535,750 | \$845,250 |
| 2) Reconstruct and widen Tyler Road from Harry to Pawnee | 75% | \$3,445,000 | \$1,148,750 |

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 202

If one or more of these projects are awarded by KDOT, some reprioritization of funds may be necessary to make the match. The City Share for this program would need to be programmed in the City's Capital Improvement Program in 2004.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- Martz moved that the proposed projects be approved; and staff be authorized to submit project requests to KDOT. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

WIND MITIGATION

WIND MITIGATION IMPLEMENTATION.

Comment: 1.3 Wind Task Force

Dana Brown City Manager's Office reviewed the Item.

Agenda Report No. 00-0722.

The Wichita-Sedgwick County Wind Mitigation Task Force submitted its report and recommendation to the City Council in February, 2000. The report outlined strategies in four categories for mitigating the destructiveness of windstorms: (1) Incentives; (2) Education; (3) Early Warning Systems; and (4) Codes and Standards. The City Council requested staff to develop action steps necessary to implement the recommendations.

Some of the proposed action steps are dependent upon funding availability, yet many are within the sole discretion of the City Council and can be implemented to promote wind-resistant construction, installation of safe rooms and public awareness of severe weather safety precautions. Other recommended actions require authorization from the Legislature or other agencies.

Programs targeted for immediate implementation can be accomplished within the current budget. The financial impact of the proposals requiring further research and/or funding availability will depend upon the specific programs ultimately developed. Two of the recommendations involve a permit discount program for wind resistant home construction and a license discount program for mobile home park owner preventive education. With the current financial position of the Central Inspection Fund, it is suggested that implementation of these two recommendations be delayed pending appropriate reserve fund balance.

Legal reviews will be made prior to the implementation of the proposed incentives/programs to assure compliance with local ordinances and State statutes.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that implementation of the programs as outlined, except with the deferral of the permit and license discount programs pending appropriate OCI fund reserves be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

FINANCIAL REPORT

QUARTERLY FINANCIAL REPORT FOR PERIOD ENDED JUNE 30, 2000.

Comment: 3.3 Quarterly Report

Ray Trail Director of Finance reviewed the Item.

Motion -- carried Lambke moved that the Report be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

(The following Item was taken up later in the meeting; action is shown in Agenda order.)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Comment: 7.11 Condemnation

Agenda Report No. 00-0723.

On June 20, 2000 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on six (6) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on August 1, 2000.

On June 5, 2000, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 203

	<u>Property Address</u>	<u>Council District</u>
1)	2506 North Market (Commercial)	VI
2)	939 North Ohio	I
3)	1027 North Green	I
4)	548 South Kessler	IV
5)	1615 South Hydraulic	I
6)	4072 East Cessna	III

Pursuant to State Statute the Resolutions were duly published twice on June 21 and June 28, 2000. A copy of each Resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard; no one appeared on Items 2, 3, and 4.

1) 2506 North Market (Commercial)

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

James Garmon James Garmon, owner, said he was not properly notified and asked what part of the building was not structurally sound.

Kurt Schroeder Superintendent of Central Inspection reviewed the structural problems with the building.

James Garmon James Garmon said he and another man had cut the weeds, and that he had the loading dock, tires, and vehicles moved. Mr. Garmon said he cannot repair the building and his contractor is too busy. Additional time was requested.

Council Member Cole Council Member Cole said the area has been a disgrace for years. The case was initialized four years ago and sufficient time has passed for repairs to be completed.

Motion -- Cole moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

RESOLUTION NO. R-00-292

A Resolution finding that the structure located on Lots 42, 44 and 48 on Market Street, Garland Brook Addition to Wichita, Sedgwick County, Kansas, commonly known as 2506 North Market (Commercial), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

- 2) 939 North Ohio
- 3) 1027 North Green
- 4) 548 South Kessler

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- Cole moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 204

RESOLUTION NO. R-00-293

A Resolution finding that the structure located on Lots 13-15, Ohio Avenue, Moore's Addition to Wichita, Sedgwick County, Kansas, commonly known as 939 North Ohio, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

RESOLUTION NO. R-00-294

A Resolution finding that the structure located on Lots 20 and 22, Block 2, Esterbrook Park Addition, Wichita, Sedgwick County, Kansas, commonly known as 1027 North Green, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

RESOLUTION NO. R-00-295

A Resolution finding that the structure located on Lots 7 and 8, Block 4, in Eureka Gardens, Sedgwick County, Kansas, commonly known as 548 South Kessler, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

(5) 1615 South Hydraulic

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard.

Bob Thomas Bob Thomas, half owner of the property, explained that the property had just been released from probate and requested additional time to sell the property. Mr. Thomas said the property was difficult to keep clean and is a burden he cannot take care of at this time.

Council Member Martz Council Member Martz said time to dispose of the property is not the issue. The property needs to be cleaned - that is the issue.

Motion -- Lambke moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

RESOLUTION NO. R-00-296

A Resolution finding that the structure located on Lots 14 and 16 Hydraulic Avenue, Gardner's Subdivision of Block 1, Schweiters Second Addition to Wichita, and a portion of the alley vacated by Ordinance No. 9438, dated January 3, 1927 and described as: beginning at the northeast corner of Lot 14, on South Hydraulic Avenue, in Gardner's Subdivision of Block 1, Schweiter's Second Addition, thence west 140 feet; thence north five feet; thence east 140 feet; thence south five feet to the point of beginning, Sedgwick County, Kansas, known as 1615 South Hydraulic (garage), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

(6) 4072 East Cessna

Kurt Schroeder Superintendent of Central Inspection reviewed the Item and recommended an additional 30 days be given to complete repairs.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 205

Rob Snyder Rob Snyder, new owner, said repairs are 80 percent complete and requested 30 days to complete repairs.

Motion -- Lambke moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame of 30 days to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

RESOLUTION NO. R-00-297

A Resolution finding that the structure located on Lot Number 8, Block D, in Planeview Subdivision #1 in Section 2., Township 28 South Range 1 east of the 6th Principal, Meridian, Sedgwick County, Kansas, known as 4072 East Cessna, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- Cole appointed Randall Steiner (Historic Preservation Board) and Jaime Lopez, Council at-large, (Community Corrections Advisory Board); and moved that the appointments be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

Motion -- Lambke appointed Matt Foley(District Advisory Board III) and Gene Furh (Comprehensive Plan Review Committee), and moved that the appointments be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

TRAVEL APPROVAL APPROVAL OF COUNCIL MEMBER PISCOTTE'S TRAVEL TO WASHINGTON, DC, TO ATTEND NATIONAL LEAGUE OF CITIES LEADERSHIP SUMMIT, AUGUST 17-19, 2000.

Comment: 1.2 Travel

Motion -- moved Lambke moved that the travel expenditures be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

APPROVAL OF COUNCIL MEMBER MARTZ'S TRAVEL TO KODIAK, AK, TO ATTEND NATIONAL LEAGUE OF CITIES HUMAN DEVELOPMENT STEERING COMMITTEE MEETING, SEPTEMBER 7-9, 2000.

Comment: 1.2 Travel

Motion -- moved Lambke moved that the travel expenditures be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

CONSENT AGENDA

Lambke moved that the Consent Agenda, including Addendum Item 19a, be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0. (Rogers; Knight, absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 31, 2000.

Bids were opened July 14 and July 21, 2000, pursuant to advertisements published on:

Water supply line in Webb Road from one-half mile south of 45th Street North to 53rd Street North - Webb Road south of 53rd Street North. (448-89432/633724/750818) Traffic to be maintained during construction using flagpersons and barricades. (District –County)

Duling Construction – \$440,586.00

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 206

Water distribution system to serve Balthrop Addition - north of Central, east of Greenwich. 448-89335/734976/470646) Does not affect existing traffic. (District II)

Ditch Diggers Inc. - \$30,721.00

Central Park from the east line of 119th Street West, east, south and east to the east line of the plat; Parkridge from the north line of Central Park north to the north line of Lot 28, Block C; Central Park Courts (Lots 39-53, Block C) from the north line of Central Park, north and east to and including the cul-de-sac, (Lots 1-12, Block D) from the south line of Central Park, south to and including the cul-de-sac, (Lots 13-18, Block D) from the south line of Central Park, south to and including the cul-de-sac, (Lots 3-11, Block E) from the south line of Central Park, south to and including the cul-de-sac; Parkridge Court from the east line of Parkridge, east to and including the cul-de-sac; and: sidewalk on one side of Central Park and Parkridge to serve West Ridge Estates (south of 29th Street North, east of 119th Street West) (472-83234/765631/490742) Does not affect existing traffic.

APAC – Kansas Inc. - \$277,629.05

2000 Contract Maintenance mill and overlay of 13th and Maize Intersection - (13th and Maize. (2000_132324_1/132324_1/) Traffic to be maintained during construction using flagpersons and barricades. (District V)

APAC – Kansas Inc. - \$180,000.00* (Base bid total/with add alternate)
*Engineer's estimate

2000 Sanitary Reconstruction Program, Phase 2 - south of 13th, west of Oliver. (468-83126/620288/660413) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and IV)

Nowak Construction - \$144,096.00

2000-2001 CDBG street, curb and gutter improvements (Phase B) concrete - north of 31st Street South, east of Broadway. 2000_602342_B / (602342_B /800002) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and III)

McFadden - \$287,680.00 (Engineer's estimate)

Lateral 54, Main 3, Southwest Interceptor Sewer to serve Aero Addition - south of I-235 South, east of Meridian. (468-83060/743825/480513) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Padgett Excavation - \$2,300.00

Edwards from the south line of 26th Street North to the north line of 25th Street North to serve Northwest Heights Addition - north of 25th Street North, west of Amidon. (472-83180/765615/490726) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$93,511.25

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Renovation of Fire-Damaged Property. (097027)

Baker Drywall and Construction - \$23,900.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Gymnasium Lighting Replacement for Lynette Woodard Recreation Center. (792310)

Shelley Electric, Inc. – \$9,500.00 (Total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 207

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Power Box Paver & Compactor Roller with Trailer. (132225)

Price Bros Equipment - \$25,694.00* (Item 1/total net bid)
*Increase quantity to two each

Foley Supply, LLC - \$7,530.00 (Item 2/total net bid)

Murphy Tractor - \$24,050.00 ((Item 3/total net bid)

Foley Supply, LLC - \$4,412.00 (Item 4/total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: All Purpose Planers with Concrete Bits. (132225)

Victor L. Phillips - \$14,340.00 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Miscellaneous Brake Parts. (130849)

Automotive Distributing Co., Inc. -\$ 6.90 (Group I/Item 1/per each)
\$10.07 (Group I/Item 2/per each)
\$11.38 (Group I/Item 3/per each)
\$10.07 (Group I/Item 4/per each)
\$ 6.70 (Group I/Item 5/per each)
\$ 6.70 (Group I/Item 6/per each)
\$41.49 (Group I/Item 7/per each)
\$46.38 (Group I/Item 8/per each)
\$41.49 (Group I/Item 9 per each)
\$ 8.78 (Group I/Item 10/per each)
\$ 9.78 (Group I/Item 11/per each)
\$ 6.70 (Group I/Item 12/per each)
\$ 8.34 (Group I/Item 13 per each)
\$12.28 (Group I/Item 14/per each)
\$10.26 (Group I/Item 15/per each)
\$10.15 (Group I/Item 16/per each)
\$10.26 (Group I/Item 17/per each)
\$10.31 (Group I/Item 18/per each)
\$19.28 (Group I/Item 19/per each)
\$ 5.72 (Group I/Item 20/per each)
\$ 5.72 (Group I/Item 21/per each)
\$ 6.80 (Group I/Item 22/per each)
\$ 5.72 (Group I/Item 23/per each)
\$ 5.72 (Group I/Item 24/per each)
\$ 5.72 (Group I/Item 25/per each)
\$15.24 (Group I/Item 26/per each)
\$27.65 (Group I/Item 27/per each)
\$ 7.12 (Group I/Item 28/per each)
\$10.44 (Group I/Item 29/per each)
\$ 5.72 (Group I/Item 30/per each)
\$56.77 (Group I/Item 31/per each)
\$49.26 (Group I/Item 32/per each)
\$ 8.64 (Group I/Item 33/per each)
29%-40% (Group I/Item 34/per each)
Federal Warehouse - \$ 22.17 (Group II/Item 1/per each)
\$ 27.30 (Group II/Item 2/per each)
\$ 24.57 (Group II/Item 3/per each)
\$ 24.57 (Group II/Item 4/per each)
\$ 24.57 (Group II/Item 5/per each)
\$ 24.84 (Group II/Item 6/per each)
\$ 20.97 (Group II/Item 7/per each)
\$ 53.32 (Group II/Item 8/per each)
\$ 33.66 (Group II/Item 9/per each)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 208

\$ 28.53 (Group II/Item 10/per each)
\$ 25.17 (Group II/Item 11/per each)
\$ 28.17 (Group II/Item 12/per each)
\$ 35.97 (Group II/Item 13/per each)
\$ 25.17 (Group II/Item 14/per each)
\$ 52.98 (Group II/Item 15/per each)
\$ 44.67 (Group II/Item 16/per each)
\$ 38.43 (Group II/Item 17/per each)
\$ 71.07 (Group II/Item 18/per each)
\$115.80 (Group II/Item 19/per each)
\$ 93.27 (Group II/Item 20/per each)
\$ 33.57 (Group II/Item 21/per each)
40% (Group II/Discount Percentage)

FIRE DEPARTMENT/VEHICLE & BUILDING MAINTENANCE DIVISION: Air Analyzer and Toxic Vapor Analyzer. (602014)

Thermo Environmental Instruments Inc. - \$30,715.00 (Total net bid)
<\$ 4,250.00>(Option 1/lump sum total <deduct>)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Henry R. Waguespack	Kwik Shop #714	4711 South Seneca
Henry R. Waguespack	Kwik Shop #722	3959 South Hydraulic
Henry R. Waguespack	Kwik Shop #731	710 West 29th Street North
Henry R. Waguespack	Kwik Shop #748	2809 East Douglas
Henry R. Waguespack	Kwik Shop #772	2750 South Oliver
<u>New Establishment</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Dennis M. Maloney	Express Petroleum, LLC	441 South Greenwich Road
John Snodell	Flying Aces Smokeshop	3142 Southeast Boulevard

Motion -- Lambke moved that the licenses be approved subject to Staff approval. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

- Water main replacement Davidson-Smithson Neighborhood - south of Central, west of Meridian. (448-89411/636095/779175) Traffic to be maintained during construction using flagpersons and barricades. (District IV, VI) - \$1,754,535.
- Sewer reconstruction at Central and Hillside - south of Central, west of Hillside. (468-83078/620275 /669400) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$55,000.
- Rock Road accel/decel lane to serve part of Lot 1, Kellogg Mall Addition - Rock Road south of Douglas. (472-83222/765636/490747) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$600,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 209

d) Lateral 440, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - south of 29th Street North, west of Hoover. (468-83035/743810/480498) Not for advertisement. - \$46,604.

Motion -- Lambke moved that the Preliminary Estimates be approved and filed. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

EASEMENTS

EASEMENTS:

a) Utility easement dated July 17, 2000 from Anita Oberwortman, President of the YMCA of Wichita, Kansas, for a tract of land in Lot 4, Block 1, YMCA South Addition (Lat. 405, SW1 - OCA#743837). No cost to City.

b) Agreement dated March 21, 2000 from Roger F. Weidman for Lot 3, Block 2 Alcorn Industrial Addition to Wichita, Kansas (OCA #132001). No cost to City.

Motion -- Lambke moved that the Easements be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

SANITARY SEWER

PETITION FOR PUBLIC IMPROVEMENT – SANITARY SEWER TO SERVE AN UNPLATTED TRACT AND P.M.T. ADDITION, NORTH OF 36TH STREET NORTH, AT ARMSTRONG. (District VI)

Comment: SA Area

Agenda Report No. 00-0724.

The Petition has been signed by one owner, representing 100% of the improvement district. The project is being combined with a sanitary sewer project previously approved by the City Council to serve P.M.T. Addition.

This project will provide sanitary sewer service for residential and commercial property.

The Petition totals \$55,000. The funding source is special assessments.

Motion -- Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

RESOLUTION NO. R-00-298

Resolution of findings of advisability and Resolution authorizing construction of Lateral 125, Main 4, Sanitary Sewer No. 23 (north of 36th Street North, at Armstrong) 468-82272 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

(ADDENDUM 19A) ANIMAL CLINIC

PETITION TO AMEND RESTRICTIVE COVENANT TO PERMIT ANIMAL CLINIC – GENERALLY LOCATED NORTH OF KELLOGG AND EAST OF EDGEMOOR. (District II)

Comment: 7.12 Planning – Sub-Div
(Filed by date)

Agenda Report No. 00-0765.

Property located at the southeast corner of Edgemoor and Lexington (immediately south of the City's fire and police station) has recently been approved for use as a small animal clinic by the MAPC. This land was originally part of a subdivision which was subject to restrictive covenants. One of the restrictive covenants prohibits use of the land for an animal clinic.

In order for the owner of the property to develop this land as a small animal clinic it is necessary that the restrictive covenants restricting its use be amended to permit such use. This requires, according to the provisions in the covenants, approval of at least 80% of the owners of land in the subdivision. To date, the owner of the property has obtained signatures of just less than 80% of the owners and he is seeking the City's signature on his petition. The City, because of acquisitions of land in connection with planned East Kellogg improvements, is the owner of several tracts in the subdivision.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 210

The City, as a property owner in the subdivision, may consent to amendment of the restrictive covenants.

Motion --
-- carried

Lambke moved that the necessary signatures be authorized to sign the petition to amend the restrictive covenants for the Second Addition to the Village. Motion carried 5 to 0. (Rogers; Knight, absent)

CLAIMS REPORT

CLAIMS REPORT.

Comment: 4.8 Claims

The following claims were approved for payment by the Law Department during the month of June, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Arthur Stone	\$1,003.01
George Krkosska	\$ 589.82
Bryan Vincent for Alliance Ins.	\$ 495.00*
Western Resources KGE	\$2,756.00
Paul Garitsen	\$ 19.65
Timothy Tyler	\$ 80.00
Larry J. Cowan	\$ 319.72
Sylvia Sue VanWye	\$ 800.00*
Paul E. Davidson	\$ 50.00*

*Settled for lesser amount than original claim.

Motion -- carried

Lambke moved that the Report be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Comment: 7.7 Street Closures/Uses

Agenda Report No. 00-0725.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The Care Coordination Team will be holding its annual AIDSWALK in and around Central Riverside and Oak Parks on Saturday, August 19, 2000. It is requesting the following street closures from 9:00 - 10:00 a.m.:

Nims Street - from Stackman Drive to 11th St.
Forest Street - from 11th St. to 12th St.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Lambke moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

LOT CLEANUP

NUISANCE/ABATEMENT (LOT CLEANUP) CONTRACT - HEALTH DEPARTMENT.

Comment: 4.2 Consultant Contract -- Green-Glo Turf (Filed with no Contract/per Pat)

Agenda Report No. 00-0726.

The Health Department utilizes a private contractor for cleanup of premise condition violations when Municipal Court action is not feasible. Typical circumstances involve abandoned property or responsible parties residing outside the City's jurisdiction. The process provides correction of the violations within a relatively short period of time, lessening the nuisance and blighting effects of such conditions. Following proper notification, the Health Department's contractor performs necessary cleanup work, and the cost is billed to the property owner. If payment is not made, the cost is levied as a special property tax assessment.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 211

The previous contract for lot cleanup has expired, and no options for extension remain. Two firms, Green-Glo Turf Maintenance and WD Enterprises, are recommended for new contracts based on responses to the City's request for proposals. Weekly listings of work to be performed will be submitted to both contractors, who will furnish "not to exceed" estimates, based on specified hourly labor and equipment rates, for each property listed. Work will be assigned based on estimates received.

Funding for payments to nuisance abatement contractors is provided in the annual operating budget for the Health Department. Allocations for the years 2000 and 2001 total \$ 113,520 and \$ 114,400, respectively.

Abatement of nuisances is authorized by Kansas law and City ordinance. The contracts will be approved by the Department of Law as to form prior to issuance by the Purchasing Office.

Motion -- Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 5 to 0. (Rogers; Knight, absent)

EMERGENCY SHELTER UNITED METHODIST URBAN MINISTRY; SALVATION ARMY – EMERGENCY SHELTER CONTRACT.

Comment: 6.6 Shelter-Emergency

Agenda Report No. 00-0727.

On May 9, 2000, the City Council approved the Emergency Shelter Grant allocations to be included in the City's 2000-2004 Housing and Urban Development (HUD) Consolidated Plan. The Plan will provide funds for a number of homeless agencies for operations, essential services, and homeless prevention.

The Emergency Shelter Grant contracts are with United Methodist Urban Ministry of Wichita, Inc. and Salvation Army. The contracts provide funding for operations, essential services, and homeless prevention activities and are consistent with the City's HUD Consolidated Plan. The contract period for each contract is July 1, 2000, through June 30, 2001.

The Maximum contract amounts are:

United Methodist Urban Ministry (Prevention)	\$ 5,491
United Methodist Urban Ministry (Operations, Essential Services and Rehabilitation)	\$28,535
Salvation Army	\$13,728

Funds for these contracts are provided under the Stewart B. McKinney Homeless Assistance Act through the U.S. Department of Housing and Urban Development. The emergency shelters will provide required match.

Motion -- Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 5 to 0. (Rogers; Knight, absent)

CDBG - YMCA YOUTH ACTIVITY ADVANCEMENT ALLIANCE PROGRAM.

Comment: 7.9 CDBG-YMCA

Agenda Report No. 00-0728.

On March 7, 2000, the City Council allocated Community Development Block Grant (CDBG) funds for the 2000/2001 program year. Included in the 2000/2001 CDBG allocations were funds for a youth recreation program. Administration of the program was procured through a competitive Request for Proposal (RFP).

The grant was approved for the Youth Activity Advancement Alliance, a consortium of service agencies involved in recreation and teaching to administer after school programs for middle-school aged youth. The YMCA is the coordinating agency this year for carrying out the activities of the program. This agency will administer the contract and coordinate recreation and enrichment services for approximately 1,500 low/moderate income youth enrolled in middle school (grades 6 through 8). The contract term is ten months beginning September 1, 2000 and ending June 30, 2001.

The contract approved for the Youth Alliance program is \$100,000 and is funded in the approved 2000/2001 CDBG budget.

Motion -- Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 212

-- carried

5 to 0. (Rogers; Knight, absent)

CDBG-YMCA

CDBG CONTRACT – YWCA, WOMEN’S CRISIS CENTER.

Comment: 7.9 CDBG YMCA

Agenda Report No. 00-0729.

On March 7, 2000, the City Council allocated Community Development Block Grant (CDBG) funds for the 2000/2001 program year. Included in the 2000/2001 CDBG allocations were funds for women’s shelter services. Women’s shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2000 and ending June 30, 2001.

The contract amount is \$170,000 and is funded in the approved 2000/2001 CDBG budget.

Provisions have been added to the contract to satisfy the City Council’s recommendation requiring YWCA to develop and implement meaningful outcome measures during this contract year.

Motion --

-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

CDBG - HOUSING

CDBG CONTRACT - COMMUNITY HOUSING SERVICES, WICHITA/SEDGWICK COUNTY.

Comment: 7.9 CDBG Community Housing

Agenda Report No. 00-0730.

In program years 1995, 1996, and 1997, \$150,000 in CDBG funds was allocated to Community Housing Services for a revolving housing loan program targeted to the Northeast Local Investment Area. The breakdown for each year was \$50,000 administration and \$100,000 for the revolving loan program, totaling \$450,000 with \$300,000 available for loans. Since 1995, a total of \$106,464 has been expended for loans out of an original balance of \$300,000.

The contract for the 2000/2001-program year has been revised to reflect a \$100,000 reduction in unexpended funds from the 1997 program year. The City and Community Housing Services have agreed to the reduction. With program income (loan re-payments), a total of \$200,000 remains available to Community Housing Services for loans.

The contract also provides Community Housing Services of Wichita/Sedgwick County additional requirements pertaining to the implementation of the new Lead-Based Paint regulations issued by HUD which take effect September 15, 2000.

The revised \$200,000 budget plus any receipts from loan re-payments (program income) will enable the processing of additional rehabilitation loans in the Northeast Local Investment Area during the term of this contract.

Motion --

-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

PARK VENDOR

BEVERAGE VENDING CONTRACT EXTENSION.

Comment: 7.4 Park – Gen. (Filed without Contract/per Pat)

Agenda Report No. 00-0731.

In 1997, following a Request for Proposal, the City Council approved a three-year contract (with a two-year extension option) with Pepsi-Cola Company, Inc., to provide beverage product, services and maintenance for various Park and Recreation locations and events. Pepsi has fulfilled all of its obligations under the terms of the original contract. These obligations included the provision of \$30,000 annually in marketing and program support, a 45% commission on vending sales, and scoreboards at athletic venues across the city such as South Lakes Sports Complex, Barry Sanders Field, and West Side Athletic Fields.

Renewal of the contract extension will ensure that the City continues to receive the support received under terms of the original contract with Pepsi. This support includes the following:

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 213

\$30,000 in discretionary marketing and program support monies in both 2000 and 2001.
45% commission on all vending sales
Provision of scoreboards at key athletics venues as they become fully operational

Pepsi presented a significantly better support package than the Coca-Cola Company during the 1997 RFP process. The attractive proposal presented by Pepsi hinged heavily on Pepsi's assumption that the contract option for the additional two years would be picked up in 2000.

The City will receive \$30,000 in discretionary marketing and program support monies in both 2000 and 2001 as part of the contract extension. In addition, it will receive a 45% commission on all vending sales. Pepsi will also provide scoreboards at four new South Lakes softball fields and one scoreboard at the Stryker Soccer Complex if concession facilities at the venues become fully operational during the two-year contract period.

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

MUNICIPAL COURT

MUNICIPAL COURT REMODEL CONTRACT AMENDMENT – SCHAEFFER JOHNSON COX FREY & ASSOCIATES, P.A.

Comment: 5.4 Municipal Court

Agenda Report No. 00-0732.

On November 17, 1998, the City Council approved the Municipal Court remodel project. The remodel design includes construction of a pedestrian connection between the City building and the City Hall parking garage. The pedestrian connection includes an elevator, stairway, and information desk. The interior space remodel includes a reconfiguration of space on floors two and three to accommodate court growth. Other renovations include patio repair and interior painting.

Construction of the pedestrian connection and disruption from construction activities present an opportune time to refresh other areas of the City Hall campus. The Contract Amendment, with Schaeffer Johnson Cox Frey & Associates, P.A. will provide conceptual design ideas to refresh the City Hall Lobby and the exterior plaza around the perimeter of the building and reconfigure the Council office suite to enlarge the offices and the Board Room. Design will include, but not be limited to, parking patterns and assignment, pavement textures, landscaping, sculptures, lighting schemes, wall finishes, graphic systems, furnishings, planters, art exhibits, and security.

Funding for the Contract Amendment for \$20,000.00 is available from the Enhanced Building Maintenance fund (OCA #792310, project #435272).

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

DESIGN SERVICES

CENTRAL FROM ZOO TO MCLEAN – SUPPLEMENTAL AGREEMENT (Districts IV and VI)

Comment: 4.2 Cons. Engineer Contract
(Minutes only in 7.7 – Streets – Gen.)

Agenda Report No. 00-0733.

On June 6, 1995, the City approved the design of Central, Zoo to McLean and entered into an agreement with Baughman Company, P.A. for the design services. On March 19, 1996, the City Council approved Supplemental Agreement No. 1, which required Baughman to do a drainage study and conceptual plan for an area between Central and 2nd Street and Sheridan and the Arkansas River. On October 27, 1998, the City Council approved Supplemental Agreements No. 2 & 3 which required Baughman to design plans for improvements to the intersection of Central/McLean/Meridian, and also water and sanitary sewer lines within the limits for the proposed paving projects. On February 1, 1999, the City Council approved Supplemental Agreement No. 4 which required Baughman to revise the radius at the southeast corner of St. Paul and Sheridan to accommodate the existing property line in lieu of obtaining additional right-of-way at this corner.

Baughman has been asked to make plan revisions for the intersection of Central/ Meridian/McLean and provide staking and construction engineering services. Supplemental Agreement No. 5 has been prepared.

Payment to Baughman for Supplemental Agreement No. 5 will be made on a lump sum basis of \$71,545. The funding source is General Obligation Bonds. Funding for this project was included in the 1998-1999 Intersection Reconstruction Capital Improvement Project (MS-412).

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 214

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

GROUNDWATER

PROFESSIONAL SERVICES FOR GROUNDWATER REMEDIATION COMPLIANCE AND POTENTIALLY RESPONSIBLE PARTIES INVESTIGATION. (District VI)

Comment: Holding for Contract. Then in 4.2 Cons. Engineer Contract. Minutes only in 7.8 Landfill

Agenda Report No.00-0734.

Camp Dresser & McKee (CDM) has provided professional environmental engineering services for the Brooks Landfill Groundwater Remediation project since 1995. CDM performed groundwater analysis and designed the remediation system currently in operation. The first Contract provides for continued advice and interpretation of monitoring results and regulatory compliance information required by KDHE.

In addition, CDM developed and oversaw the final phase of the remediation project, the excavation of the source believed to have caused the contamination. Analysis and investigation of this source, and identification of Potentially Responsible Parties (PRP) may lead to recovery of a portion of the City's remediation costs. Due to their extensive groundwater analysis work at Brooks and past experience in environmental investigative work, CDM is recommended to assist City staff in the Brooks source investigation and identification.

In the Regulatory Compliance Contract, CDM will assist City staff in remediation performance evaluation and system efficiency. Through detailed evaluation and system adjustments, operational efficiencies can be maximized, and operating costs reduced, while maintaining regulatory treatment mandates. The cost of the Contract is not to exceed \$57,200.

The PRP Contract services include historical research of records, files, and companies which may be associated with the contaminant source, assisting the City in proper storage and disposal of the contaminant, and providing expert technical support and documentation for identifying possible responsible parties. The cost of the Contract is not to exceed \$112,000.

Funding is available in the 2000 Landfill budget for both Contracts. Funding for the Regulatory Compliance Contract is available from \$250,000 allocated for Groundwater Remediation System maintenance. The cost of the PRP Contract will be paid from the Source Removal Project, previously approved by the City Council.

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

COMPUTER/DATA

INVESTMENT MANAGEMENT SOFTWARE AGREEMENT.

Comment: 7.9 Computer/Data

Agenda Report No. 00-0735.

In 1990 the City switched from an internally written investment management database to an outside software provider (The Tracs Corporation). For the most part, Tracs has provided the City with the services to do the internal accounting for the various City of Wichita investment portfolios. Beginning in 1999, Tracs began having technical difficulties, particularly with changes in hardware and operating systems. Their system was off line for almost three weeks during a black out, and the need for a back up system became obvious. A decision was made to issue a Request For Proposal (RFP) immediately after Y2K. During the RFP process Tracs formally announced they were leaving the investment accounting business. The City received only two responses to the RFP. The responses were reviewed for their ability to meet the City's requirements and provide accurate, timely services to support City investment activities.

SymPro offers a variety of modules. A review of these modules indicates that the City needs the Fixed Income Extended Investment Accounting Module, the Equities Module, the Market Pricing Interface, and the Cash Flow/Debt Module. The City is also upgrading from a off-sight dial in database to an on-sight networked multi-user system. Interactive Data will provide dial up services that download market values for a fully integrated investment accounting system. Sympro offers additional reporting and their security features far exceed those available with the City's current provider. The system also provides additional internal controls by segregating various user functions.

The cost for the SymPro license fees is \$32,000. Annual support and maintenance is \$5,760, and two days of training and implementation is \$3,500 for a total first year cost of \$41,260. Market pricing from Interactive data is based on the number of securities priced each month and is estimated to be approximately \$75.00/month. Going

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 215

forward annual operating costs for software support and market pricing is estimated to be \$6,800 per year. The current annual cost for Tracs is \$3,200. Investment management expenses are funded from interest earnings within the City Treasurer's Office.

Motion -- Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 5 to 0. (Rogers; Knight, absent)

MENNONITE HOUSING MENNONITE HOUSING REHABILITATION SERVICES – CHDO PROJECT CONTRACT. (Districts I and VI)

Comment: 7.9 Consolidated Plan

Agenda Report No. 00-0736.

On March 7, 2000, the City Council allocated \$230,000 of Home Investment Partnerships Program (HOME) to Mennonite Housing Rehabilitation Services (MHRS), a Non-Profit Community Housing Development Organization (CHDO). Funding was approved for purchase/rehabilitation/re-sale of existing homes or construction of new homes in the City's Northeast and North Central Local Investment Areas.

MHRS will develop at least five (5) new units of single-family housing, depending on acquisition and rehabilitation costs. Homes developed under the agreement will be sold to HOME-eligible buyers. The HOME funding provided under the agreement will be utilized to subsidize acquisition, rehabilitation and construction costs, and MHRS' developer fee.

Allocation was made from the City's 2000-2001 HOME grant as part of the required 15 percent set-aside for CHDO development funding.

Motion -- Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried
-- carried 5 to 0. (Rogers; Knight, absent)

WATER TREATMENT ELECTRIC SYSTEM IMPROVEMENTS FOR WATER TREATMENT PLANT AND HESS PUMP STATION – CHANGE ORDER NO. 2.

Comment: 7.6 Water – Gen.

Agenda Report No. 00-0737.

On September 24, 1995, the City Council entered a Contract with Shelley Electric, Inc., to make improvements to the electrical system that serves the water treatment plant and the Hess Pump Station.

One of the features of the project is installation of a third electrical service to serve the treatment plant and Hess Pump Station. When the Contract was approved, the new service was to come in on the west side of the treatment plant. KGE has had to alter the route, and the service will now enter from the east side of the plant. Change Order No. 2 is for the additional cost to run the power line underground from the east side, where the KGE line stops, to the west side where the new transformer is located.

Change Order No. 2 will increase the Contract by \$33,994, or 7.2% of the original cost, resulting in a revised Contract for \$529,251. The project is funded under CIP W-381 (Repairs to Water Treatment Plant).

City Council approval is required for Change Orders over \$10,000. The Law Department has reviewed the Change Order and approved it as to form.

Motion -- Lambke moved that the change order be approved and the necessary signatures be authorized. Motion carried
-- carried 5 to 0. (Rogers; Knight, absent)

SANITARY SEWER ULTRAVIOLET LIGHT DISINFECTION EQUIPMENT FOR SEWAGE PLANTS NO. 2 AND NO. 3.

Comment: 7.6 Sewer – Gen.

Agenda Report No. 00-0738.

Camp Dresser & McKee, Inc., has been contracted to design improvements for Sewage Treatment Plant #2. Professional Engineering Consultants and Brown & Caldwell have been contracted to design Sewage Treatment Plant #3. The decision to utilize UV disinfection technology at both facilities provided an opportunity to have both engineering design teams develop a joint Request for Proposal (RFP) to encourage greater competition and reduced capital costs.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 216

Review of the proposals submitted by the consultants, indicate that two of the respondents, Trojan Technologies, Inc., and Aquionics, Inc., meet the requirements of the RFP, in form and technical response. Based on consultant and Staff review, it is recommended that equipment manufactured by Trojan Technologies be purchased for both facilities. Trojan Technologies meets all of the technical requirements and is \$841,295 less than the next qualifying proposal. The total cost of the Trojan Technologies' equipment for both facilities is \$1,675,000.

Funds are available in Sewage Treatment Plant #2 Improvements (CIP S-513) for the purchase of equipment for Plant #2 and in Northwest Sewage Treatment Plant & Basins 1,2, and 3 (CIP S-512) for Plant #3.

Purchases in excess of \$10,000 require the approval of City Council.

Motion --
-- carried

Lambke moved that the Purchasing Manager be authorized to purchase the equipment. Motion carried 5 to 0) (Rogers; Knight, absent)

SANITARY SEWER

REPLACEMENT OF EXISTING SANITARY SEWER SYSTEM IN PLANEVIEW. (District III)

Comment: 7.9 Sewer – Gen.

Agenda Report No. 00-0739.

The Planeview area was developed by the federal government in the early 1940s to provide temporary housing to aircraft workers during World War II. After the war, the federal government sold the properties to individuals for residential housing. The City of Wichita annexed Planeview in 1955. The area's sewer system was not constructed to meet permanent utility standards. Sewer mains were sized too small and manholes were not constructed to provide sufficient access for emergency or routine maintenance. Planeview comprises less than 2% of the entire city sewer system; approximately 15% of the total system stoppages occur in this area.

Capital Improvement Program, Planeview Sewer Reconstruction (CIP #S-331), has a budget of \$500,000 for 2000. Funding is available from Sewer Utility revenues and reserves and/or a future revenue bond issue.

City Council approval is required for projects exceeding \$10,000.

Motion --
-- carried

Lambke moved that the project and notice of intent be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 5 to 0. (Rogers; Knight, absent)

RESOLUTION NO. R-00-299

A Resolution of the City of Wichita, Kansas declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$500,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

POLICE GRANTS

LOCAL LAW ENFORCEMENT BLOCK GRANTS.

Comment: 5.6 Police

Agenda Report No. 00-0740.

In July of 2000, the City was notified of eligibility to receive year 2000 Local Law Enforcement Block Grant (LLEBG) funding. The City has participated in LLEBG funding for the four previous years.

The LLEBG agreement requires (before obligation or expensing of funds) Advisory Committee non-binding recommendations toward obligating and/or expensing of such funds. A public hearing is needed before any obligating or expensing of LLEBG funds can occur. The public hearing does not have to occur before applying for the 2000 Block Grant award.

The year 2000 LLEBG program provides the City of Wichita with \$481,085 in federal funding. The local funding match of 10 percent (\$53,454) will be funded from the Narcotics Seizure accounts.

The City Manager with the approval of the City Council has the authority to submit and receive the grant.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 217

Motion --
-- carried

Lambke moved that grant application, budget and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

HOUSING

PUBLIC HOUSING DRUG ELIMINATION GRANT.

Comment: 7.10 Housing

Agenda Report No. 00-0741.

The Quality Housing and Work Responsibility Act of 1998, otherwise known as the 1998 Housing Reform Act, included amendments to the Anti-Drug Abuse Act of 1988, which allowed HUD to change the Public Housing Drug Elimination Program from a competitive application process to a formula allocation based on the size of the public housing program.

Prior to this change, housing authorities that had high concentrations of housing stock in large developments were at an advantage in applying for these funds. Other 1998 changes in the law allows activities "in and around," rather than "on the premises of" public housing, and allowed the funds to be used to fight violent crime as well as drug-related crime. These changes make the PHDEP available to and usable by the Wichita Housing Authority.

HUD has sent a grant award and grant agreement in the amount of \$132,491 for the year 2000. The Housing Authority does not have to submit an application, but must send in a plan, on a template furnished by HUD, that describes what the funds will be used for. Activities included in the plan include contracting with the Police Department for \$60,000 to provide above baseline services in areas of public housing concentration; \$42,126 for youth recreation and education programs; \$25,365 for family education, skill enhancement, and career development programs; and \$5,000 to provide support services such as child care and transportation to public housing residents who need these supports to attend drug treatment programs.

Because of a very short deadline to submit the signed grant agreement back to HUD, the City Manager has signed contingent on subsequent review by the City Council.

The amount of the application is \$132,491. No local funding will be committed.

Motion -- carried

Lambke moved that acceptance of grant award be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

HISTORIC PRES.

HISTORIC PRESERVATION FUND GRANT AGREEMENTS.

Comment: 7.12 Historic Preservation
(Filed with no Contract)

Agenda Report No. 00-0742.

Historic Preservation grant proposals are for projects that the Historic Preservation Board has adopted as part of its annual work program. HPF grants are 50/50 matching funds. The total City match for each of the grants is less than \$10,000. City Council action is needed to receive and file the grant agreements. None of the grants are continuation grants.

Grant 20-99-14249-014 \$18,520	Update 1990 Preservation Plan and print 1,000 copies Update Discover Historic Wichita ! brochure and print 3,5000 copies. Staff time is match for grant. Project to be completed by September 15, 2000.
Grant 20-99-14249-006 \$14,000	Complete Reconnaissance Survey forms for approximately 280 structures identified in the Undesignated Historic Resource list as adopted by City Council in September 1998. Staff time is match for grant. Project to be completed by September 15, 2000.
Grant 20-00-15319-005 \$14,680	Host the annual statewide preservation conference scheduled for April 5-7, 2001 Approximately \$6,600 is staff time match. Other match is from local in-kind donation from Hotel and Old Town and Dr. Pam Kingsbury. Project to be completed by May 31, 2001.
Grant 20-00-15319-009 \$19,980	Conduct survey in the Delano neighborhood – approximately 370 structures Almost 50 % of this neighborhood has already been surveyed. Staff time is match for grant. Project to be completed by June 30, 2201.
Grant #20-99-14249-014	The \$18,520 grant includes \$9,260 for printing costs and \$9,260 in Planning Department staff time for the City's in-kind match.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 218

- Grant #20-99-14249-006 The \$14,000 grant includes \$7,000 to hire a consultant for the survey work. The City's \$7,000 match includes \$6,192 for Planning Department staff time and \$808 in office related expenses.
- Grant #20-00-15319-005 The \$41,360 grant includes \$20,680 for various expenses directly related to the 2001 conference. The City's \$20,680 match has \$7,000 for Planning Department staff time and \$13,680 for in-kind donations from the Hotel at Old Town and Dr. Kingsbury.
- Grant #20-00-155319-009 The \$19,980 grant provides \$9,990 for hiring a consultant to perform survey work. The City's \$9,990 match includes \$9,450 for Planning Department staff time and \$540 in office related costs.

Motion -- carried

Lambke moved that the Grant Agreements be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

HOUSING

PROPOSAL FOR REAL ESTATE SERVICES. (District I)

Comment: 7.3 Property Disp.

Agenda Report No. 00-0743.

The City currently owns five (5) single-family residences, located at the following addresses: 1041 Wabash, 1217 N. Ohio, 1216 North Volutsia, 835 Wabash, 1739 E. 24th Street North. These homes were acquired and subsequently rehabilitated through the Rehabilitation and Investment Program (RIP), or the 3rd Street Drainage Infill Project. The homes are currently available for sale to owner-occupant, income-qualified buyers. Housing services currently has no prospective buyers and requires professional real estate services to help market/sell the properties.

To facilitate the timely sale of the homes, Housing Services staff developed a Request for Proposals (RFP) for Real Estate Agency Services. The RFP required submission of a plan to market the properties to owner-occupant buyers, as well as documentation of experience in the marketing of properties in the City's northeast area.

A proposal submitted by Jeannie McKaig of J.P. Weigand and Sons, Inc., met the criteria outlined in the RFP. McKaig is a licensed real estate agent, and is experienced in the sale of homes in the area. The Agent is also knowledgeable with Fair Housing laws.

A fee in the amount of 6% of the sales price, or a minimum of \$1500 will be charged in connection with each sale. The real estate fees will not be paid until such time as the sale actually closes, and will be deducted from the sale proceeds. The services provided by a professional real estate agent will reduce marketing time for the homes, thereby reducing financial exposure to the City, caused by vandalism and maintenance costs while the home is vacant.

Housing services staff will prepare a contract agreement, which will be approved as to form the City Law Department. The homes must be sold to income-qualified, owner-occupant buyers in order to comply with funding requirements.

Motion --
-- carried

Lambke moved that the proposal be approved; Staff be authorized to negotiate and prepare the Contract Agreement; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

S.A. DEFERRAL

RELEASE OF HARDSHIP DEFERRAL LIEN FOR SPECIAL ASSESSMENTS

Comment: SA Area

Agenda Report No. 00-0744.

Special Assessment Hardship Deferral was granted in 1999 for deferral of water assessments on Tax Key #A-17464. A requirement of receiving the Special Assessment Hardship Deferral was the filing of a lien on the property, to protect the City's financial interest in the event of the sale of the property to a non-eligible owner. Ownership of the property has changed and the new owner is not eligible for a deferral of assessment.

The special assessment for a water distribution system will be placed on the tax rolls over a 15 year period and be billed to the new owner.

There is no cost to the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 219

Motion --
-- carried

Lambke moved that release of Hardship Deferral Lien be approved and the necessary signatures be authorized.
Motion carried 5 to 0. (Rogers; Knight, absent)

IRB - GOLDSMITHS

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – GOLDSMITH'S, INC. (District II)

Comment: IRB Area

Agenda Report No. 00-0745.

On February 8, 2000, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds for Goldsmith's Inc., a Wichita-based business, locally formed in 1893, in an amount not-to-exceed \$2.7 million and a 100% five-plus-five-year tax exemption on improvements financed with bond proceeds. Goldsmith's will use a local developer to build a new 50,000 SF corporate headquarters at 37th Street between Rock Road and Webb Road, in northeast Wichita. Goldsmith's Inc. has requested a six-month extension to the term of the Letter of Intent.

Goldsmith's Inc. has requested the extension because they do not expect to have bids from contractor until after the date expiration of the current letter of intent. The company is now requesting an extension of an additional six-months of the Letter of Intent until February 8, 2001.

In addition to the extension, Goldsmith's has requested a change to the Letter of Intent to identify Arst Realty L.L.C. as the IRB tenant. Goldsmith's will be a subtenant and a guarantor of the bonds.

The bonds will be initially sold to the Bank of Oklahoma N.A. and held by the bank until completion of construction. Following completion, the bonds will be purchased by an insurance company or other institutional investor. Goldsmith's expects to have a firm takeout commitment for permanent financing prior to the issuance of bonds.

There is no financial impact on the City resulting from the requested extension.

Motion --
-- carried

Lambke moved that extension of the IRB Letter of Intent to Arst Realty L.L.C. for a six-month period, ending February 8, 2001, be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

BANKING SERVICES

BANKING SERVICES AGREEMENT.

Comment: 3.4 Banking Services

Agenda Report No. 00-0746.

Approve the selection of Commerce Bank ("the Bank") to provide banking services for City accounts, and adopt: 1) a resolution authorizing the City Manager to agree upon and enter into agreements setting forth the terms and conditions upon which the Bank will make transfers of the City's funds to or from any accounts of the City, which agreements may authorize the Bank to act upon requests received, in accordance with its procedures, from the Director of Finance or the City Manager; and, 2) the resolution authorizing the City Manager to sign appropriate safekeeping, automatic clearing house, wire transfer, and repurchase contract agreements.

A request for proposals for banking services was distributed to local financial institutions in September of 1999. A selection decision was deferred until after the first quarter of 2000. The City received three responses. (Commerce, Intrust, & UMB) The respondents' responses were reviewed for their ability to meet the City's requirements and provide accurate, timely services to support City activities.

Commerce Bank submitted the lowest cost proposal that also meets the City's current needs and requirements. Additionally, there are savings in start up costs not required since Commerce bank is the City's current financial institution.

The estimated annual cost for banking services is approximately \$117,500. Banking services are funded from interest earnings within the City Treasurer's Office.

Motion --
-- carried

Lambke moved that the selection of Commerce Bank to provide banking services for the City of Wichita for one year with four one year renewal options be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

RESOLUTION NO. R-00-305

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 220

A Resolution approving the selection of Commerce Bank, N.A., as a banking services provider and authorizing the preparation, execution, and delivery of certain agreements in connection therewith, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

RESOLUTION NO. R-00-306

A Resolution authorizing the execution and delivery of agreements pertaining to automatic clearing house services, wire transfer services, custody and safekeeping of funds and collateral securities, security repurchase agreements, and related matters in connection with the selection of Commerce Bank, N.A., as a banking services provider for the City of Wichita, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

EMP. RETIREMENT

WICHITA EMPLOYEES' RETIREMENT SYSTEM.

Comment: 5.1 Emp. Retirement

Agenda Report No. 00-0747.

The Wichita Employees' Retirement System implemented a defined contribution plan, Plan 3, January 1, 1994 for all employees hired or rehired on or after that date. Upon reaching seven years of service (vesting) employees become members of Plan 2 unless they elect in writing to remain in Plan 3. A defined contribution plan allows employees to accumulate funds for their retirement. Such an account is easily portable should the employee leave service of the City. The Plan allows vested employees who elect to remain in Plan 3 to select investments from available options based on their anticipated needs. Employee contributions plus City contributions are then invested in these options.

The Wichita Employees' Retirement Board issued in the Fall of 1999 an RFP for the third-party administration of the Plan including participant accounting, investment options, custody of Plan assets, and education services.

As a result of that RFP and subsequent interviews of prospective providers, the Board selected INTRUST Bank to provide services for Plan 3.

Fees for these services will be shared by participating employees and the Retirement System. The Proposed 2001 Budget contains funds for the System's portion of the anticipated cost for services.

The Wichita Employees' Retirement Board has authorized the Pension Manager to negotiate a contract with INTRUST for Plan 3 services.

Motion --
-- carried

Lambke moved that the selection of INTRUST Bank for Plan 3 administrative services be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

PROPERTY ACQ.

ACQUISITION OF 11110 HIDDEN LAKE, FOR THE COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Comment: 7.3 Property Acq.

Agenda Report No. 00-0748.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 21 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 11100 Hidden Lake, which is owned by the Leonard and Helen Donley. The site contains 24,025 square feet and is improved with a 2,240 square foot brick residence.

An offer of \$125,630 based on 85% of the pre-flood value of the property was extended to the owners. The owners have agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$132,880 is requested. This includes \$125,630 for the acquisition, \$6,500

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 221

for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

PROPERTY ACQ.

ACQUISITION OF 11126 HIDDEN LAKE, FOR THE COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Comment: 7.3 Property Acq.

Agenda Report No. 00-0749.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 21 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 11126 Hidden Lake, which is owned by Donna Vautravers. The site contains 25,000 square feet and is improved with a 2,503 square foot brick residence.

An offer of \$132,345 based on 85% of the pre-flood value of the property was extended to the owners. The owners have agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$139,595 is requested. This includes \$132,345 for the acquisition, \$6,500 for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Comment: 7.11 Condemnations

Agenda Report No. 00-0750.

On July 5, 2000, the Board of Code Standards (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
1. 2326 South Topeka	III
2. 4931 North Salina	VI

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Lambke moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on September 12, 2000, at 11:00 a.m. be approved. Motion carried 5 to 0. (Rogers; Knight, absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 222

RESOLUTION NO. R-00-289

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 28 and 30, On Topeka Avenue, Hilbish and Heitinger's Addition to Wichita, Sedgwick County, Kansas, known as 2326 South Topeka, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers, Knight absent)

RESOLUTION NO. R-00-290

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 223, in Forest Park Addition to Wichita, Sedgwick County, Kansas, known as 4931 North Salina, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers, Knight; absent)

RAIL SERVICE

PASSENGER RAIL SERVICE RESOLUTION.

Comment: 7.6 Railroad – Gen.

Agenda Report No 00-0751.

Kansas Legislature established a Task Force on Passenger Rail Service (HCR 5004) to study rail passenger service needs in Kansas with the possibility of entering into rail passenger compacts with other states; the Kansas Department of Transportation (KDOT) commissioned a study of rail passenger service to determine the feasibility of rail passenger service in Kansas. The KDOT study identified the principal service corridor for development as Kansas City-Lawrence-Topeka-Newton-Wichita.

State Senator Dave Hebert of Oklahoma has recommended a compact be formed between Kansas and Oklahoma to aid in placement of routes in the two states.

The Regional Economic Area Partnership (REAP) identified expansion of passenger rail service as a regional legislative priority and adopted a Resolution supporting enhancement of passenger rail service in South Central Kansas.

Council Member Lambke has been designated by Mayor Knight to represent the City's interests in support of Rail Passenger Service for Wichita.

Expansion of passenger rail service in the region would provide citizens increased travel options. Passenger rail service could also have a positive impact on local tourism.

If passenger rail opportunities are to be expanded in Kansas, it is imperative that service be expanded to Wichita and South Central Kansas. Citizens of Wichita and South Central Kansas would benefit by service established north to Kansas City and south to Oklahoma City.

The proposed Resolution supports enhancing passenger rail service in South Central Kansas.

Motion -- carried

Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers; Knight, absent)

RESOLUTION NO. R-00-300

A Resolution by the Wichita City Council in support of enhancing passenger rail service in South Central Kansas presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 223

Z-3179

Z-3179 – ORDINANCE TO CHANGE ZONING – APPROXIMATELY 1/8 MILE SOUTH OF 21ST STREET NORTH, EAST OF WEBB ROAD. (District IV)

Agenda Report No. 00-0752.

The zone change, associated with DP-154 Amendment #2 was approved by the City Council on November 7, 1995 subject to conditions, including platting within one year. The Council's motion was for the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. The applicant was granted a platting extension to May 7, 1998. The platting was approved and recorded in May of 1998.

Motion -- carried

Lambke moved that the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers; Knight, absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3179

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 18, 2000)

- a) Industrial Revenue Bonds – NMF America, Inc. (District II)

ORDINANCE NO. 44-685

An Ordinance authorizing the City of Wichita, Kansas (the "Issuer"), to issue its Industrial Revenue Bonds, Series II, 2000 (NMF America, Inc.) in the aggregate principal amount of \$5,000,000 for the purpose of providing funds to acquire a site and construct improvements thereon and to acquire, purchase, and install certain machinery and equipment to be located in the City of Wichita, Kansas; prescribing the form and authorizing the execution of a Trust Indenture by and between the Issuer and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between NMF America, Inc., and the Issuer; prescribing the form of a Guaranty Agreement by and between NMF America, Inc., as Guarantor and Intrust Bank, N. A., Wichita, Kansas, as Trustee; and prescribing the form and authorizing the execution of a Bond Purchase Agreement by and between the issuer, NMF America Inc., and Stifel, Nicolaus & Company, Incorporated, as purchaser of the Bonds, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

- b) Theft of motor fuel.

ORDINANCE NO. 44-686

An Ordinance creating Section 5.42.090 of the Code of the City of Wichita, Kansas, pertaining to theft of motor fuel, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

- c) Acquisition by eminent domain of tracts required for the West Kellogg Improvement Project. District V)

ORDINANCE NO. 44-587

An Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 224

- d) A 00-08 – east and west of 143rd Street East, north and south of Harry. (District II)

ORDINANCE NO. 44-688

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte. A 00-08

- e) A 00-14 – east of Rock Road and north of 45th Street North. (District II)

ORDINANCE NO. 44-689

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers; Knight, absent). Yeas: Cole, Gale, Lambke, Martz, Pisciotte. A 00-14

PLANNING AGENDA

Motion --
-- carried

Lambke moved that Planning Agenda Items be approved as consensus Items. Motion carried 5 to 0. (Rogers; Knight, absent)

VAC2000-00014

VAC2000-00014 – REQUEST TO VACATE PORTION OF UTILITY EASEMENT LOCATED NORTH OF 21ST STREET NORTH, EAST OF RIDGE ROAD. (District V)

Agenda Report No. 00-0753.

Staff Recommendation: Approve vacation of a portion of a utility easement.

MAPC Recommendation: Approve vacation of a portion of a utility easement. (unanimous)

The applicant is requesting to vacate a portion of a utility easement to facilitate the construction of a new building at this location. A substitute easement will be dedicated by separate instrument.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall dedicate, by separate instrument, a substitute easement, the applicant shall submit a guarantee for the relocation of the water line that exists in the current easement, the applicant shall dedicate, by separate instrument, a temporary easement good until such time that the relocation of the existing water line is complete. No written protests have been filed.

Motion --
-- carried

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

VAC2000-00024

VAC2000-00024 – REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED ½ BLOCK SOUTH OF HARRY, WEST OF GREEN. (District III)

Agenda Report No. 00-0754.

Staff Recommendation: Approve vacation of alley right-of-way.

MAPC Recommendation: Approve vacation of alley right-of-way. (unanimous)

The applicant is requesting to vacate alley right-of-way that is interior to property that he owns. He wishes to expand the existing building and provide parking for the tenants.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the alley

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 225

right-of-way shall be retained as utility easement, the applicant shall covenant together lots 1-6, Block 1, Eicholtz Addition to Wichita, Sedgwick County, Kansas. No written protests have been filed.

Motion -- Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

VAC2000-00025 **VAC2000-00025 – REQUEST TO VACATE PORTION OF BUILDING SETBACK LOCATED NORTH OF OAK KNOLL (OLD PAWNEE) AND APPROXIMATELY ¼ MILE EAST OF ROCK ROAD.**
(District II)

Agenda Report No. 00-0755.

Staff Recommendation: Approve vacation of a portion of a building setback.
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate the interior 15 feet of a 35-foot platted building setback. This property is zoned "OW" Office Warehouse, which has a front building setback of 20 feet. This adjustment to the existing setback would comply with the required zoning setback.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)
-- carried

DED 2000-15 **DED 2000-15 – DEDICATION OF A UTILITY EASEMENT FROM PROPERTY GENERALLY LOCATED WEST OF SENECA AND SOUTH OF 39TH STREET SOUTH.** (District IV)

Agenda Report No. 00-0756.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2000-41 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Lambke moved that the dedication be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

DED 2000-16 **DED 2000-16 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY GENERALLY LOCATED SOUTH OF BOSTON, EAST OF BROADWAY.** (District V)

Agenda Report No. 00-0757.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

As a requirement of Conditional Use No. CON 2000-10, this dedication is being made for the purpose of additional right-of-way along Boston Street.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Lambke moved that the dedication be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 226

DED 2000-17

**DED 2000-17 – CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY
GENERALLY LOCATED NORTH OF HARRY, ON THE EAST SIDE OF BROADWAY.** (District V)

Agenda Report No. 00-0758.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

As a requirement of Conditional Use No. CON 2000-10, this Dedication is being made for the purpose of additional right-of-way along Broadway.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Lambke moved that the dedication be received and filed. Motion carried 5 to 0. (Rogers; Knight, absent)

S/D 00-14

**S/D 00-14 PLAT OF FIVE STAR ADDITION LOCATED ON THE NORTH SIDE OF CENTRAL, EAST
OF OLIVER.** (District I)

Agenda Report No. 00-0759.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

A zone change (Z-3352) from GO, General Office and B, Multi-Family Residential has been approved for this site subject to platting. A Conditional Use (CU-563) has been approved for Lot 1 for a Car Wash.

A restrictive covenant was provided to permit existing openings within Lot 2 to be retained until the site is developed with a nonresidential use. A Sidewalk Certificate was submitted for the construction of sidewalks along Old Manor Road.

Comment: Recorded august 24, 2000
film 2084 page 0253

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The restrictive covenant and sidewalk certificate will be recorded with the Register of Deeds.

Comment: recorded August 24, 2000
film 2084 page 0251

Motion --

Lambke moved that the plat be approved and the necessary signatures be authorized; the document (s) be received and filed; and the associated zone change Z-3352 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3352

S/D 99-83

**S/D 99-83 PLAT OF HARVEST CHAPEL SECOND ADDITION LOCATED ON THE SOUTHEAST
CORNER OF SENECA AND 55TH STREET SOUTH.** (District IV)

Agenda Report No. 00-0760.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned LC, Limited Commercial and City water services are available to serve the site. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 227

The Certificate of Petitions will be recorded with the Register of Deeds.

Comment: Film 2079 page 1108
recorded 8-11-00

Motion --
-- carried

Lambke moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

RESOLUTION NO. R-00-301

Resolution of findings of advisability and Resolution authorizing construction of Lateral 460, Southwest Interceptor Sewer (south of 55th Street South, east of Seneca), Project No. 468-83143, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

SUB2000-20

SUB2000-20 PLAT OF BAHAI ADDITION LOCATED ON THE WEST SIDE OF AMIDON, NORTH OF 32ND STREET NORTH. (District VI)

Agenda Report No. 00-0761.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-6, Single-Family Residential. City water is available to serve the site. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition will be recorded with the Register of Deeds.

Comment: Recorded 8-11-00 film
2079 page 1107

Motion --
-- carried

Lambke moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers; Knight, absent)

RESOLUTION NO. R-00-302

Resolution of findings of advisability and Resolution authorizing construction of Lateral 75, Main 17, Sanitary Sewer No. 22 (west of Amidon, north of 32nd Street North), Project No. 468-83144, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

SUB2000-21
ZON2000-00007

SUB2000-21 PLAT OF KILLENWOOD POINTE ADDITION LOCATED SOUTH OF 13TH STREET, ON THE EAST SIDE OF GREENWICH ROAD. (District II)

Agenda Report No. No. 00-0762.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

A zone change (ZON2000-00007) from SF-20, Single-Family Residential to TF-3, Two-Family Residential has been approved for this site subject to platting. This plat has recently been annexed by the City.

The site will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. Other petitions, all 100%, have been submitted for municipal water and paving improvements. Both a City and County Certificate of Petitions have also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In accordance with the approved drainage plan for the site, an off-site drainage easement has been provided.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 228

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenant, and off-site drainage easement will be recorded with the Register of Deeds.

Comment: recorded 8/11/00 film 2079 page 1102
recorded 8/11/00 film 2079 page 1103
recorded 8/11/00 film 2079 page 1104
recorded 8/11/00 film 2079 page 1105

Motion --

Lambke moved that the plat and documents be approved; the necessary signatures be authorized; the Ordinance ZON2000-00007 be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds and the Resolutions be adopted. Motion carried 5 to 0.

-- carried

(Rogers; Knight, absent)

RESOLUTION NO. R-00-303

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89491 (south of 13th Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

RESOLUTION NO. R-00-304

Resolution of findings of advisability and Resolution authorizing improving of Killenwood from the east line of Greenwich to the west line of Reserve B; Killenwood Court from the north line of Killenwood to and including the cul-de-sac serving Lot 1 through 22, Block 1, and; sidewalk on the north side of Killenwood from the east line of Greenwich Road to the west line of Killenwood Court, Project No. 472-83257 (south of 13th Street, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte. (Rogers; Knight, absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00007

ZON2000-00021

ZON2000-00021 – ZONE CHANGE FROM “LC” LIMITED COMMERCIAL TO “GC” GENERAL COMMERCIAL, LOCATED SOUTH OF MCCORMICK AND EAST OF TYLER ROAD – 8410 WEST KELLOGG. (District V)

Agenda Report No. 00-0763.

MAPC Recommendation: Approve (11-0).

Staff Recommendation: Approve.

The application area is located south of McCormick, east of Tyler along Kellogg Drive and north of west Kellogg. Currently the “Kansas Credit Union” building is located on the application area which is zoned “LI” Limited Commercial. The site is a platted lot containing .77 acres. Access to the site is from McCormick from the north and Kellogg Drive from the south. The applicant owns a lot to the west that is zoned “GC” General Commercial and a lot to the east that is also zoned “GC.” Both of these lots contain existing buildings.

The applicant would like for the entire ownership (three lots) to be zoned “GC.” The City of Wichita and the applicant have recently negotiated a right-of-way agreement for the proposed expansion of West Kellogg. As a result, the applicant intends to demolish all three of his buildings and construct one large credit union on-site. Since the credit union routinely has clients who default on their loans for vehicles and boats, the applicant wants to display repossessed items on-site until they are sold.

Surrounding uses include a shopping center (Home Depot) located immediately north and is zoned “LC” Limited Commercial. To the west is a liquor store and it is zoned “GC” General Commercial. To the east is the “Mid America Credit Union” and is zoned “GC.” To the south, and across West Kellogg, are various businesses that are zoned “LI” Limited Industrial. If approved, the applicant will need to comply with the City’s Landscaping Ordinance.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

AUGUST 1, 2000

PAGE 229

Motion -- Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00021

A 00-12

A 00-12 - ANNEXATION OF 49TH STREET NORTH FROM ARKANSAS TO ALEXANDER.
(Districts III and IV)

Agenda Report No. 00-0764.

The City of Wichita annexed a number of properties between 1994 and 1997 in the northern section of the City near the current boundary with the City of Valley Center. The last annexation took place in January 1997. However, Staff has recently discovered that the section of 49th Street North from Arkansas to Alexander was inadvertently left out of the annexation ordinances.

City Staff have provided street maintenance and other services for some time under the assumption that the aforementioned section of 49th Street was in the City. Additionally, perimeter resolutions passed by the City of Wichita since 1997 have included this section of road. Having discovered the omission, it is now necessary to officially annex this section of road into the City of Wichita.

Motion -- Lambke moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 00-12

EXECUTIVE SESSION

Motion -- Lambke moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and possible litigation, legal advice, and confidential data relating to financial affairs or trade secrets of a business; and the City Council return from executive session at 11:00 a.m. Motion carried 5 to 0. (Rogers; Knight, absent)

-- carried

RECESS The City Council recessed at 10:08 a.m. and returned at 11:00 a.m. to take up time certain Item No. 10. Action is shown in Agenda Order.

Vice Mayor Lambke Vice Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:30 a.m.

Pat Burnett CMC
City Clerk

Indexed/pe